

REMARKS

The Notice to File Missing Parts required submission of an executed Declaration, a surcharge for late filing of the declaration, and a computer readable and paper copy of the Sequence Listing.

Enclosed is an originally executed Declaration, Assignment and Recordation form cover sheet. Two checks, one check in the amount of \$130.00 to cover the late filing surcharge for the Declaration and a second check for \$40.00 for the filing of the Assignment.

In addition, applicants respectfully request acceptance of the enclosed paper copy and computer readable form of the Sequence Listing.

It is respectfully asserted that the sequence disclosure contained in the application fully complies with the requirements set forth in 37 C.F.R. § 1.821 to § 1.825.

It is respectfully submitted that the Sequence Listing conforms to the requirements of 37 C.F.R. §1.823(b). The Statements required by 37 C.F.R §1.821(f) and (g) are set forth below.

Pursuant to 37 C.F.R. §1.821 (g), the undersigned hereby states that this submission, filed in accordance with 37 C.F.R. §1.821 (g), does not contain new matter.

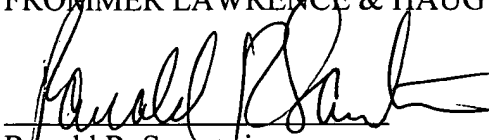
Pursuant to 37 C.F.R. §1.821 (f), the undersigned hereby states that the content of the paper and computer readable copies of the Sequence Listing submitted in accordance with 37 C.F.R. §1.821 (c) and (e), respectively, are the same.

CONCLUSION

In view of the amendments, remarks and enclosures herein, it is respectfully submitted that the application complies with all requirements set forth in the Notice, including the requirements for computer readable disclosure of the biological sequences under 37 C.F.R. § 1.821-1.825. Accordingly, reconsideration and withdrawal of the Notice is respectfully requested.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By:


Ronald R. Santucci
Reg. No. 28,988
Tel (212) 588-0800

Enclosures: Executed Declaration
Executed Assignment and Recordation form cover sheet
Check in the amount of \$130.00
Paper and Diskette copies of Sequence Listing
Copy of Notification of Missing Requirements
Return Receipt postcard

“VERSION WITH MARKINGS TO SHOW CHANGES MADE”

At page 7, line 9:

The promoter (hereinafter also referred to as IRFE promoter) for inducible high-level mammalian gene expression has the composition for Figure 1, wherein

MPSV-E means MPSV enhancer repeats, e.g. from pMBC-1NheI-XhoI, of the sequence:

GCTAGCTTAAGTAACGCCATTTTCAAGGCATGGGAAAAATACATAACTGAGAATAGAGAAG
TTCAGATCAAGGTCAGGAACAGAGAAACAGGAGAATATGGGCCAAACAGGATATCTGTGGTA
AGCAGTTCCTGCCCCGCTCAGGGCCAAGAACAGTTGGAACAGGAGAATTGGGCCAAACAGGA
TATCTGTGGTAAGCAGTTCCTGCCCCGCTCAGGGCCAAGAACAGATGGTCCCCAGATGCGGT
CCCCGCCCTCAGCAGTTTCTAGA, (SEQ ID NO: 1)

or isofunctional (i.e. having the same biological activity or function) variants thereof obtained by substitution, insertion or deletion of one or more nucleotides,

IRF-1 binding sites means the sequence:

GATCCCTTCTCGGGAAATGGAAACTGAAAATCAGATCCCTTCTCGGGAAATGGAAACTGAAA
ATCAGATC, (SEQ ID NO: 2)

or isofunctional variants thereof obtained by substitution, insertion or deletion of one or more nucleotides,

and CMV means the CMV minimal promoter, e.g. from the plasmid pGL2 (Promega, Madison, WI):

TGGCGTGACGGTGGGAGGCCTATATAAGCAGAGCTCGTTTAGTGAACCGTCAA
ACCGTCAAACCGCGGAAGCT, (SEQ ID NO: 3)

or isofunctional variants thereof obtained by substitution, insertion or deletion of one or more nucleotides[.,].

IN THE CLAIMS:

1. (Amended) Promoter-transactivator system for inducible high-level mammalian gene expression with the option of cell growth control comprising:

(b) a promoter construct (IRFE promoter) having the general structure:

→mRNA

[MPSV-E]-[IRF-1-binding sites]-[CMV]—DNA, wherein

MPSV-E means MPSV enhancer repeats of the sequence:

GCTAGCTTAAGTAACGCCATTTTGAAGGCATGGGAAAAATACATAACTGAGAATAGAGAAG
TTCAGATCAAGGTCAGGAACAGAGAAACAGGAGAATATGGGCCAAACAGGATATCTGTGGTA
AGCAGTTCCTGCCCCGCTCAGGGCCAAGAACAGTTGGAACAGGAGAATTGGGCCAAACAGGA
TATCTGTGGTAAGCAGTTCCTGCCCCGCTCAGGGCCAAGAACAGATGGTCCCCAGATGCGGT
CCCGCCCTCAGCAGTTTCTAGA, (SEQ ID NO: 1)

or isofunctional variants thereof obtained by substitution, insertion or deletion of one or more nucleotides,

IRF-1 binding sites means the sequence:

GATCCCTTCTCGGGAAATGGAAACTGAAAATCAGATCCCTTCTCGGGAAATGGAAACTGAAA
ATCAGATC, (SEQ ID NO: 2)

or isofunctional variants thereof obtained by substitution, insertion or deletion of one or more nucleotides, and

CMV means a minimal promoter of the sequence:

TGGCGTGTACGGTGGGAGGCCTATATAAGCAGAGCTCGTTTAGTGAACCGTCAA
ACCGTCAAACCGCGGAAGCT, (SEQ ID NO: 3)

or isofunctional variants thereof obtained by substitution, insertion or deletion of one or more nucleotides,

and

(b) a transactivator construct coding for a fusion protein comprising IRF-1 and the estrogen receptor.